

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NICOLE MOSS  
Plaintiff (s)  
v.  
MANILA BAY CUISINE  
Defendant(s).

**C 06-06356 SBA**

**SCHEDULING ORDER FOR CASES  
ASSERTING DENIAL OF RIGHT OF ACCESS  
UNDER AMERICANS WITH DISABILITIES  
ACT TITLE III (42 U.S.C. §§ 12181- 89)**

IT IS HEREBY ORDERED that this action is assigned to the Honorable Saundra B. Armstrong. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this Order and the assigned judge's pertinent Standing Orders. This case is otherwise exempt from Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

**CASE SCHEDULE**

Date	Event	Rule(s)
10/11/2006	Complaint filed	
12/11/2006	Last day for plaintiff to complete service on defendants or file motion for administrative relief from deadline	<a href="#">General Order 56; Civil Local Rule 7-11</a>
7 days before Joint Site Inspection	Last day for parties to complete initial disclosures, including defendant's disclosure re: construction or alteration history of subject premises	<a href="#">FRCivP 26(a); General Order 56 ¶2;</a>
1/19/2007	Last day for parties and counsel to hold joint inspection of premises, with or without meet-and-confer regarding settlement	<a href="#">General Order 56 ¶3,4;</a>

<b>10 business days after Joint Site Inspection</b>	<b>Last day for parties to meet and confer in person to discuss settlement</b>	<b><u><a href="#">General Order 56 ¶4;</a></u></b>
<b>45 days after Joint Site Inspection</b>	<b>Last day for plaintiff to file "Notice of Need for Mediation"</b>	<b><u><a href="#">General Order 56 ¶6;</a></u></b>
<b>7 calendar days after mediation</b>	<b>Last day for plaintiff to file Motion for Administrative Relief Requesting Case Management Conference</b>	<b><u><a href="#">General Order 56 ¶7; Civil</a></u> <b><a href="#">Local Rule 7-11</a></b></b>

### JUDGE ARMSTRONG'S STANDING ORDERS

1. Counsel are expected to consult and comply with all provisions of the Local Rules of Court relating to continuances, motions and all other matters.
2. **Civil Law & Motion will be held at 1:00 p.m.**, on Tuesdays. Criminal Law & Motion will be held at 9:00 a.m. on Tuesdays. Civil matters shall not be noticed for hearing on a Tuesday following an official court holiday that falls on a Monday.
3. The parties need not reserve a hearing date. However, the parties are advised to check the court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) for the next available hearing date. Matter's are calendared on a first come first serve basis. You MUST submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar!!
4. Before appearing for a matter before this Court all parties shall check the court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) to confirm that their matters are still on calendar.
5. **Meet and Confer Requirement;** All parties are expected to meet and confer before filing any motion before this court.
6. **Summary judgment/ adjudication:** The parties are not required to file statements of undisputed facts in connection with a motion for summary judgment. However, if the parties desire to file a statement of undisputed facts, only one joint statement of undisputed facts signed by all parties shall be filed. All separate statements will be stricken. If the parties are unable to agree that a fact is undisputed, they should assume that fact is in dispute.
7. **Proposed orders:** Each party filing or opposing a motion shall also serve and file a proposed order which sets forth the relief of action which includes that the party requests the Court to adopt, a short statement of the rationale of decision including citation to authority.
8. The failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute a consent to the granting of the motion.
9. **Criminal Law & Motion will be held at 9:00 a.m.**, on Tuesdays. Prior to a plea being entered in a criminal case, a copy of the plea agreement must be submitted to chambers no later than the Friday before the plea is to be taken. All persons pleading guilty must complete an application for permission to enter plea of guilty, which is available on the Court's website at [www.cand.uscourts.gov](http://www.cand.uscourts.gov).
10. **In All "E-Filing" Cases Effective Immediately**, when filing papers in connection with any motion or case management conference, the parties shall, in addition to filing papers electronically, lodge with the Clerk's Office a printed copy of the papers by the close of business the following day the papers are filed electronically. These printed copies shall be marked "Chambers Copy" and shall be submitted to the Clerk's Office, in an envelope clearly marked with the judge's name, case number and "E-Filing Chambers Copy." Parties shall not file a paper copy of any other document with the Clerk's Office that has already been filed electronically. You MUST submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar!!

In addition to the requirements set forth in the Civil L.R. 16-10, counsel are expected to comply with the following:

**A. Filing Case Management Statements**

Counsel are expected to comply with this Standing Order concerning the joint filing of the Case Management Statement. In preparing the Case Management Statement, the parties shall use the format enclosed herewith. Note that no party may submit a separate Case Management Statement. Disagreements among parties with respect to any of the matters contained in the Case Management Statement shall be set forth in the appropriate sections.

Counsel are further expected to file a Case Management Statement at least ten (10) days before each and every scheduled Case Management Conference conducted in this action. If there is no change in the status of the case from the time the last statement was filed, counsel shall indicate as such in a pleading and attach a copy of the most recently filed Case Management Statement to the pleading. Failure to timely file a Case Management Statement may result in sanctions.

**B. Appearance At The Case Management Conference**

Each party shall be represented at the Case Management Conference by Counsel prepared to address all of the matters referred to in this and the Civil L.R. 16-10 (b), and with authority to enter into stipulations and make admissions pursuant to this and Fed. R. Civ. P. 16(a) and (c). Representatives of the parties may, but are not required to, attend. Unless otherwise specified, all Case Management Conferences shall take place via telephone. Plaintiff or his/her counsel is responsible for setting up the conference call. Plaintiff or his/her counsel will be notified of the date and time of the telephone conference call by Clerk's Notice shortly after the case is filed.

Any request to reschedule the above dates shall be made in compliance with Civil L.R. 16-2(e) and must be made at least ten days prior to the date sought to be modified. Counsel shall not contact the chambers of Judge Armstrong regarding requests to modify provisions of this Standing Order; all requests must be submitted in writing and served on all parties to the action.

The parties should be prepared to address and resolve at the Case Management Conference the following: Setting the date and the estimated length of the trial; Setting the date for discovery and motion cutoff; Setting the date to designate experts and other witnesses; Setting the date for the pretrial Conference.

Other matters which the Court will take up at the Case Management Conference, in addition to those specified in the Joint Case Management Statement and Proposed Order Form, will include the following:

1. **Jurisdiction:** Does this Court have subject matter jurisdiction over all of the plaintiff's claim(s) and defendant's counter-claim(s)? What is the bases of that jurisdiction? Are all the parties

subject to the Court's jurisdiction? Do any parties remain to be served?

2. **Substance of the Action:** What are the factual and legal bases for plaintiff's claims, defendant's defenses, defendant's counter-claims and plaintiff's defenses to the counterclaims?

3. **Identification of Issues:** What are the factual and legal issues genuinely in dispute?

4. **Narrowing of Issues:** What are the issues that can be narrowed by agreement or by motions? Are there dispositive or partially dispositive issues appropriate for a decision by motion?

5. **Motions:** What are the motion(s) anticipated by the parties?

6. **Relief:** What relief does the plaintiff seek? What are the amount of damages sought by plaintiff's claim(s)? What are the amount of damages sought by defendant's counter-claim(s)? How are the damages computed?

7. **Discovery:** What discovery does each party intend to pursue? Can discovery be limited in any manner? Are there any alternative methods available to obtain the necessary information? Should a discovery order and conference be entered pursuant to Fed. R. Civ. P. 26(f)?

8. **Alternative Means of Disposition:** Is the case suitable for reference to binding arbitration, to a master, or to a magistrate for trial? Is the case suitable for reference to the Judicial Panel on Multidistrict Litigation?

9. **Pretrial Conference and Trial Setting:** Will this case be tried by a jury? What is the anticipated length of trial? Is it possible to reduce the length of the trial by stipulation, use of summaries or statements, or other expedited means of presenting evidence? Is it feasible and desirable to bifurcate issues for trial?

10. **Related Cases:** Are there any related cases pending before the judges of this Court? See Civil L.R. 3-12.

11. **Cut-Off Dates:** When are the earliest reasonable dates for discovery cutoff, motion cutoff, pretrial conference and trial?

12. **Settlement:** What are the prospects for settlement? Does any party wish to have a settlement conference with a magistrate? How can settlement efforts be assisted? See ADR L.R. 7-3.

13. **Other Matters:** Such other matters as any party considers conducive to the just, speedy and inexpensive determination of this action. See Fed. R. Civ. P. 16(a) and (c).

**C. Law and Motion Matters**

Law and Motion matters will be heard on Tuesdays at 1:00 p.m., in Courtroom 3 of the United States Courthouse, 1301 Clay Street, 3rd Floor, Oakland, California. Pursuant to Civil Local Rule 7-1, 7-2 and 7-3, all civil motions shall be noticed for a hearing not less than thirty-five (35) calendar days after service. The opposition and supporting papers shall be filed not less than twenty-one (21) days before the noticed hearing date. The reply shall be filed not less than fourteen (14) days before the hearing date. Each party filing or opposing a motion shall also serve and file a proposed order which sets forth the relief sought and a short statement of the rationale of decision including citation of authority, that the party requests the Court to adopt. All parties shall meet and confer before filing any motions before this Court.

Note that pursuant to Civil L.R. 7-1(b), the Court may, in its discretion, adjudicate motions without oral argument.

Opening and opposition briefs exceeding twenty-five (25) pages and reply briefs exceeding fifteen (15) pages may be filed only with leave of the Court seven (7) days before the filing date of the motion. See Civil L.R. 7-4(b).

Any pleading or brief sought to be filed with the Court after the required time, or in an improper manner or form, shall not be received or considered by the Court. Any attorney in violation of such requirements will be subject to other sanctions. Civil L.R. 1-4.

The failure of the opposing party to file a memorandum of points and authorities in opposition to any motion shall constitute a consent to the granting of the motion.

The parties are not required to file a statement of undisputed facts in connection with a motion for summary judgment. However, if the parties desire to file a statement of undisputed facts, only one joint statement of undisputed facts signed by all parties shall be filed. All separate statements will be stricken. If the parties are unable to agree that a fact is undisputed, they should assume that fact is in dispute.

The parties need not reserve hearing dates. However, the parties are advised to check the court's calendar at [www.cand.uscourts.gov](http://www.cand.uscourts.gov) for the next available hearing date. Matters are calendared on a first come first serve basis. You MUST submit a hard copy of all motion papers filed in E-FILED cases in order to be placed on calendar!!

Failure to comply with this Order or the Local Rules of this Court may result in sanctions. See Fed. R. Civ. P. 16(f); Civil L.R. 1-4.

s/SAUNDRA BROWN ARMSTRONG  
SAUNDRA BROWN ARMSTRONG  
United States District Judge

**APPENDIX A - JOINT CASE MANAGEMENT STATEMENT AND PROPOSED ORDER**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

	<b>CASE NO.</b>
<b>Plaintiff(s),</b>	<b>JOINT CASE MANAGEMENT STATEMENT</b>
<b>v.</b>	<b>AND PROPOSED ORDER</b>
<b>Defendant(s).</b>	

The parties to the above-entitled action jointly submit this Case Management Statement and Proposed Order and request the Court to adopt it as its Case Management Order in this case.

**DESCRIPTION OF THE CASE**

1. A brief description of the events underlying the action:
2. The principal factual issues which the parties dispute:
3. The principal legal issues which the parties dispute:
4. The other factual issues *[e.g. service of process, personal jurisdiction, subject matter jurisdiction or venue]* which remain unresolved for the reason stated below and how the parties propose to resolve those issues:
5. The parties which have not been served and the reasons:
6. The additional parties which the below-specified parties intend to join and the intended time frame for such joinder:
7. The following parties consent to assignment of this case to a United States Magistrate Judge for *[court or jury]* trial:

**ALTERNATIVE DISPUTE RESOLUTION**

8. *[Please indicate the appropriate response(s).]*
- ☐ The case was automatically assigned to Nonbinding Arbitration at filing and will be ready for the hearing by (date)\_\_\_\_\_.
- ☐ The parties have filed a Stipulation and Proposed Order Selecting an ADR process (specify process):\_\_\_\_\_.
- ☐ The parties filed a Notice of Need for ADR Phone Conference and the phone conference was held on or is scheduled for \_\_\_\_\_.
- ☐ The parties have not filed a Stipulation and Proposed Order Selecting an ADR process and the ADR process that the parties jointly request [or a party separately requests] is \_\_\_\_\_.

9. Please indicate any other information regarding ADR process or deadline.

#### DISCLOSURES

10. The parties certify that they have made the following disclosures *[list disclosures of persons, documents, damage computations and insurance agreements]*:

#### DISCOVERY

11. The parties agree to the following discovery plan *[Describe the plan e.g., any limitation on the number, duration or subject matter for various kinds of discovery; discovery from experts; deadlines for completing discovery]*:

#### TRIAL SCHEDULE

12. The parties request a trial date as follows:

13. The parties expect that the trial will last for the following number of days:

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Typed name and signature of counsel.]

Dated: \_\_\_\_\_

\_\_\_\_\_  
[Typed name and signature of counsel.]

#### CASE MANAGEMENT ORDER

The Case Management Statement and Proposed Order is hereby adopted by the Court as the Case Management Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

- [The Court may wish to make additional orders, such as:*
- a. Referral of the parties to court or private ADR process;*
  - b. Schedule a further Case Management Conference;*
  - c. Schedule the time and content of supplemental disclosures;*
  - d. Specially set motions;*
  - e. Impose limitations on disclosure or discovery;*
  - f. Set time for disclosure of identity, background and opinions of experts;*
  - g. Set deadlines for completing fact and expert discovery;*
  - h. Set time for parties to meet and confer regarding pretrial submissions;*
  - I. Set deadline for hearing motions directed to the merits of the case;*
  - j. Set deadline for submission of pretrial material;*
  - k. Set date and time for pretrial conference;*
  - l. Set a date and time for trial.]*

Dated: \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES DISTRICT/MAGISTRATE JUDGE